

of the parties should have failed to appoint. The Clerk shall issue notice to the referees to attend on the lands on account of which the petition is filed, and lay off right of way, which shall extend five feet on each side of the center of the track, and also to condemn so much in addition as may be required for turnouts, depots and other necessary appurtenances of said Rail Road and its branches and connections; and assess the damages, if any, of the owner of the land, taking into consideration any benefit or advantage to the owner and his land accruing, or to accrue from the construction of the Road, and return their award in writing, under oath, (which may be administered by the Clerk or any Justice of the Peace for the County,) within ten days, and the award, when filed, shall be recorded and become a judgment of the Superior Court, and execution may issue thereon, returnable in sixty days; but if either party is dissatisfied and notify the Clerk, in writing, of his intention to appeal to the next term of the Superior Court, such party shall have five days to give an appeal bond or undertaking with two sufficient sureties, in such sum as the Clerk may fix to cover costs and damages; and both parties may appeal from the same awards, and the trial in the Superior Court shall be *de novo*, and the facts submitted to a jury if either party request it. But as soon as the award is filed, whether there be an appeal or not, the Company may enter upon the lands and use them in constructing said Rail Road track and appurtenances.

When Company  
may enter upon  
lands.

Company may  
build tracts, &c.

SEC. 7. That said Company may build their Rail Road tracks over any navigable stream, by putting a sufficient draw in the bridge or other structure, so as not to injure navigation, and may cross and run along all public roads where it may be necessary, by keeping them in good and convenient repair at the crossings, and by convenient repair at the crossings, by constructing a new road, equally good and convenient, where they run along any portion of an old road.

Passengers and  
freights.

SEC. 8. That said Company shall have the right to transport passengers, freight and mails upon the said Rail Road,